

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 2-13 and 17-19 are pending. In the present amendment, Claims 2-9, 12, 13, and 17 are currently amended and Claims 1, 14-16, and 20 are canceled without prejudice or disclaimer. As the present amendment merely cancels claims and corrects minor informalities, support for the present amendment is deemed to be self-evident from the original specification. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1, 2, 4-7, 9, 10, 13, and 15-20 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, 4-6, 9, 10, 13, 16, 17, 19, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa et al. (U.S. Patent No. 5,653,357, hereinafter "Miyazawa") in view of either one of Saunders et al. (U.S. Patent No. 5,590,558, hereinafter "Saunders"); Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa in view of Saunders, and further in view of Shimizu et al. (U.S. Patent No. 5,686,194, hereinafter "Shimizu"); Claims 15, 16, 18, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa in view of Saunders, and further in view of Ullman (U.S. Patent No. 4,354,370, hereinafter "Ullman") or Ueno et al. (U.S. Patent No. 4,143,790, hereinafter "Ueno"); and Claims 15 and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa in view of Saunders, and further in view of either Ullman or Ueno, and further in view of Rashid et al. (U.S. Patent No. 6,253,588, hereinafter "Rashid").

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which, after final rejection, permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment cancels Claims 1, 14-16, and 20. Further, some of the remaining dependent claims are amended to address claim dependency

due to the cancellation of Claim 1 and Claim 17 is amended to correct a minor informality. Therefore, this amendment only includes subject matter which was earlier presented. Thus, no new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

Regarding the rejection under 35 U.S.C. § 112, second paragraph, Applicant respectfully traverses this rejection. However, in order to advance prosecution, Claims 1 and 20 are hereby canceled. Thus, it is respectfully submitted that this rejection is moot and should be withdrawn.

In response to the rejections under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below.

As discussed above, Claims 1 and 20 are hereby canceled. Thus, it is respectfully submitted that the rejection of these claims under 35 U.S.C. § 103(a) is moot and should be withdrawn.

Independent Claim 17 recites, in part, “forming by initially drawing the composite laminate sheet or sheet blank to obtain said composite part, the drawing being carried out in a drawing tool comprising a punch, a die, and a blank holder, by adjusting [[the]] a value of the material passage P_m between the punch and the die, so that: $E - 0.80 \times E_p \leq P_m < E$.” Thus, in the initial drawings, the material passage P_m between the punch and the die is *less than* a total thickness E of the composite laminate steel sheet. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in Claim 17.

The Office Action cites Miyazawa in view of Saunders to reject Claim 17. The Office Action acknowledges that Miyazawa “is silent as to adjusting the value of the material passage.” Instead, the Office Action again relies on Saunders to cure this deficiency of Miyazawa.

Saunders describes a method of forming cans that includes a drawing step in which the preselected tooling clearance between a punch 62 and an interior wall 68 of the die 60 “is at least about the thickness of the coated can stock.”¹ The Office Action, in the first full paragraph on page 5, takes the position that the above-quoted language of Saunders “includes a tool clearance that is slightly less than thickness of the coated can stock, which satisfies the requirement of the claim.” Applicant respectfully traverses this assertion.

Instead, Saunders never describes the clearance for the initial drawings as being “slightly less than” the thickness of the coated can stock. Further, the above-quoted language of Saunders states that the clearance is *at least* about equal to the thickness of the coated can stock. As noted in the attached Declaration, Mr. Fabrice Pinard, the inventor of the present application, reviewed Saunders and interpreted Saunders to require the clearance between the punch 62 and the interior wall 68 of the die 60 to be equal to or greater than the thickness of the coated can stock. Thus, a person of ordinary skill in the art would interpret Saunders as requiring the clearance to be equal to or greater than the thickness.

Further, as Saunders can perform its intended function with the clearance being equal to or greater than the thickness, Saunders does not inherently require the clearance to be less than the thickness. Thus, a reasonable interpretation of the term about is being equal to or greater than the thickness of the coated can stock, and the Office Action has not cited any evidence to the contrary.

Accordingly, it is respectfully submitted that the cited combination does not disclose or suggest every feature recited in independent Claim 17. Thus, it is respectfully requested that the rejection of Claim 17, and all claims dependent thereon, as unpatentable over Miazawa in view of Saunders be withdrawn.

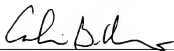
¹ See Saunders, at column 9, lines 34-37.

Turning now to the rejections of Claims 7, 15, 16, 18, and 19, it is noted that Claims 15 and 16 are hereby canceled without prejudice or disclaimer. It is also noted that Claims 7, 18, and 19 are dependent on Claim 17 and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 17. Further, it is respectfully submitted that Shimizu, Ullman, Ueno, and Rashid do not cure the above-noted deficiencies of the combination of Miazawa and Saunders. Thus, it is respectfully requested that the rejections of Claims 7, 15, 16, 18, and 19 be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A notice of allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 07/09)

Colin B. Harris
Registration No. 58,969